

Present:

G. Mervyn, Chair
I. Dhillon
D. Hans
B. Sidhu

Absent:

H. Meawad

Staff Present:

K. Broersma, Planner, Planning & Development
S. Guinjicna, Plan Checker, Building
S. Hayer, Secretary

A. ADOPTION OF MINUTES**1. Board of Variance – February 9, 2022**

It was

Moved by I. Dhillon

Seconded by B. Sidhu

That the Minutes of the Board of Variance
hearing held on February 9, 2022, be received and adopted as circulated.

Carried

B. DEFERRED APPEALS

This section had no items to consider.

C. NEW APPEALS**1. Appeal No. 22-04 – Saini & Kaur**

To reduce the south flanking street setback from 9.442 metres to 5.91 metres to permit renovation of an existing dwelling at 2817 – 138 Street.

The Board acknowledged M. Saini, the Appellant and A. Mitchell, the Project Designer, in attendance to speak to the application.

The Chair confirmed that there were no persons present to speak to the application and that no correspondence had been received in response to the notification regarding the appeal.

The Chair then called on the Appellant to present their appeal.

The Appellant advised the home was bought in 2020, it is owned by Mr. Saini and his wife, and they will be moving into the subject property once the renovations are complete. They had previously resided in the neighbourhood and are familiar with the neighbours.

The Appellant engaged with Planning staff in January 2021 but due to constraints caused by COVID-19, staff were unable to review the application and provide comments until November 2021. The original set of plans squared off the addition above the garage which is designated as a recreation room with a balcony. Planning staff advised the recreation room encroached on the southern flanking street and the collector road setback. With rising costs associated with the delay, the Appellant changed the plans to conform with existing Zoning Bylaws, eliminating the recreation room from the design to comply and receive the appropriate building permits. The Appellant confirmed building permits for the revision have been issued and renovation has commenced but the space above the reconstruction of the area above the garage has held off until the Appellant could appear before the Surrey Board of Variance.

A. Mitchell, the Project Designer, advised the project eliminated any expansion to the rear as the subject site has a Class A watercourse in the rear west portion. As the applicant is not proposing an addition to the western portion of the house, Planning staff exempted the requirement for a Sensitive Ecosystem Development Permit and Hazard Lands Development Permit. The existing dwelling was built in compliance with the previous Zoning Bylaw, but is not under the current Zoning Bylaw. The Appellant is trying to create the least amount of impact and does not want to encroach on the setbacks of another dwelling, exacerbate the existing encroachment on the south property line or apply for a Development Permit. The footprint of the dwelling will not change as the Appellant is proposing to enclose the space and create a balcony on the upper floor of the garage where the dwelling currently sits. One post will be installed to support the balcony and it will encroach, but not more than the existing building currently does.

In response to questions from the Board, Keith Broersma, Planner, confirmed the existing building was built in 1989 and was in conformance under the previous Zoning Bylaw. Under the current RH-G Zone, the southern setback is 7.5 metres, whereas the current structure is at 6.4 metres. The setback is dedicated to future road development, which the City may expropriate, but is not likely in the foreseeable future.

In response to questions from the Board, the Appellant made the following comments:

- The Appellant advised that the current design as permitted by the City will impact how the Appellant is able to utilize the space. The Appellant is not looking to build outside what the subject property is zoned for and is heavily invested in creating a home and seeing value in the renovation.
- The Appellant advised if the Board were to deny his application, he will proceed with the City approved permit he obtained in November.

In reviewing photographs of the site and the floorplans, Members of the Board made the following comments regarding the requested variance:

- Hardship is present as the existing house was built according to the previous Zoning Bylaw. The Appellant is not changing the footprint of the existing property, they are only adding one post to support the proposed balcony.

- The proposed reduction to the south property line setback is not unreasonable and only a minor intrusion into the required setback, in consideration of what was already there existing.

It was

Moved by I. Dhillon

Seconded by B. Sidhu

That the Board finds that undue hardship would be caused to the Appellant by compliance with the Zoning Bylaw and orders that Appeal No. 22-04, permission to reduce the south flanking street setback from 9.442 metres to 5.91 metres to permit renovation of an existing dwelling at 2817 – 138 Street, as presented to the Board, be allowed.

Carried

D. OTHER BUSINESS

1. Verbal Update: The 80/20 Rule and Floodplain Issues

Keith Broersma, Planner, advised that discussions have been held internally pertaining to the 80/20 Rule and the floodplain issues. The Planning Department updates the Zoning Bylaw on a semi-regular basis along with annual housekeeping. The Community Planning Division has added both items to their agenda for review. It will take several months as updates and housekeeping items to the Zoning Bylaw are presented to the mayor and Council once or twice a year.

In response to questions from the Board, K. Broersma, Planner, made the following comments:

- The Board's concerns are being seriously considered, particularly with the item regarding Bridgeview height restrictions as staff would be focusing on a discreet geographical area. Planning staff need to conduct a review and determine what the appropriate height restriction would need to be. The City may need to engage with an outside consultant to do a review on the appropriate height restrictions.
- As the 80/20 Rule affects properties across the City, staff need time to consider the ramifications to the Zoning Bylaw as it is a layered document, and this is a complex issue. Currently, staff are unable to advise what a good resolution is.

In response, Members of the Board advised they are pleased to see progress regarding the above initiatives and would be interested in updates as they are available.

E. NEXT MEETING

The next Board of Variance hearing is scheduled to be held on Wednesday, April 13, 2022, at 9:00 a.m.

F. ADJOURNMENT

It was

meeting be adjourned.

Moved by I. Dhillon
Seconded by D. Hans
That the March 9, 2022 Board of Variance

Carried

The Board of Variance meeting adjourned at 9:36 a.m.

Certified correct:

Sonya Hayer, Secretary

Gil Mervyn, Chair